

REMARKS

Claims 1-14 have been examined. Claims 1, 2, 13, and 14 have been amended. Claims 1-14 are all the claims pending in the application.

Claim rejections -- 35 U.S.C. § 103

Claims 13 and 14 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Pless in view of Fincke.

With regard to claims 13 and 14, these claims recite the feature of an analyzer, which is operable to measure a continuous change of a voltage of an electric pulse which has actually been output from the electrodes. The Examiner argues that Pless shows a microprocessor (col. 11:52-55) and that the microprocessor corresponds to the claimed analyzer, but then notes that Pless does not disclose that the microprocessor is operable to detect a continuous change of a voltage of the electric pulse that has actually been delivered. To allegedly cure this deficiency, the Examiner cites Fincke. Specifically, the Examiner argues that a voltage sense line 146 is sampled permits the microprocessor to detect continuous changes of a voltage of the electric pulse that has actually been output from the electrodes.

The Examiner then argues that one skilled in the art would have been motivated to combine the Pless and Fincke teachings in order to provide a defibrillator with increased waveform analysis in addition to the ability to determine the delivered pulse energy or resistance. However, Applicant respectfully disagrees. When evaluating the motivation or suggestion to combine references, the Examiner must look to the references as a whole. The Examiner may

not merely select isolated parts of the reference and seek to combine them. see MPEP §2143.01.

Applicant submits that this is exactly what the Examiner has done.

The Pless reference is directed at an implantable defibrillator, and seeks to prove a single combination test unit which has the capability of dealing with the three main types of arrhythmia: bradycardia, tachycardia, and fibrillation. Analyzing patients having arrhythmias requires invasive testing in which catheters are inserted into the heart and the patient's arrhythmia is provoked with programmed electrical stimulation. Then, the physician attempts to terminate the arrhythmia by providing antitachycardia pacing, by cardioversion, or by high energy defibrillation. This termination procedure requires the physician to quickly estimate the amount of energy needed to be delivered to terminate the arrhythmia. Thus, the invention of Pless facilitates the assessment of arrhythmias and defibrillation thresholds. The Pless invention thus provides switches so that a physician does not have to rapidly change between the electronic stimulation tool and the defibrillation tool, and provides increased information on an estimated charge which will be delivered to the patient.

By contrast, Fincke is directed at a defibrillator discharge test circuit. In defibrillation units, a hardware relay scheme isolates operation of the electronic pacing circuitry from defibrillation circuitry to isolate the circuit outputs and thereby prevent the defibrillator from potentially lethal misfires. Thus, Fincke seeks to provide a way for the defibrillator discharge circuitry to be frequently tested for functionality. Fincke thus provides a short circuit load for monitoring pulses generated by the circuit to test that pulses are acceptable. Thus, Applicant

submits that one skilled in the art would not look to the test circuit of Fincke for a solution to the problems of Pless, i.e., to facilitate the assessment of arrhythmias and defibrillation thresholds

However, even if the Pless and Fincke teachings may be combined, they still do not teach all of the features of claims 13 and 14. The Fincke reference discloses that the microprocessor determines the pulse current waveform by sampling the voltage sense line 146 over the duration of the capacitor discharge to produce digitized voltages at the sampling points. (See col. 9:23-29.) Thus, Fincke does not *measure a continuous change* of a voltage of the electric pulse which has actually been output. Rather, Fincke only samples voltages on a voltage sense line at certain isolated times.

Claims 1-2, 4-7, and 9-12 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Pless in view of Fincke in further view of JP '589A (also of record).

The Examiner argues that the Pless and Fincke combination disclose all of the features discussed above except for the feature of displaying the parameters together with the waveform of the electric pulse, but cites JP '589A for this feature. First, Applicant submits that the Pless and Fincke references may not be combined, for the reasons discussed above. Second, even if the Pless and Fincke teachings may be combined, they still do not teach the analyzer feature as discussed above. JP '589A does not cure this deficiency. Therefore claims 1-2, 4-7, and 9-12 are patentable over the Pless, Fincke, and JP '589A combination.

Claims 3 and 8 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Pless in view of Fincke in view of JP '589A in view of Nappholz (also of record). Claims 3 and 8 depend ultimately from claims 1 and 2 respectively. First, as discussed above, Applicant

submits that the Pless and Fincke references may not be combined. Second, even if they may be combined, they still do not teach the analyzer feature as discussed above. JP '589A does not cure this deficiency. Neither does Nappholz. Therefore, claims 3 and 8 are patentable over the Pless, Fincke, JP '589A and Nappholz combination.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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23373
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Date: July 11, 2006